

**PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF AUGUST 30, 2005.**

**ATTENDANCE**

**COUNCIL:** Randy Menard – Chair (District 9), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7), Rob Stevenson (District 8)

**ABSENT:** None

**COUNCIL STAFF:** Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk), Sally Angers (Administrative Assistant)

**ADMINISTRATIVE STAFF:** L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (CFO), Pat Ottinger (Legal Counsel), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Tom Carroll (Public Works Director), Randy Hundley (Police Chief), Robert Benoit (Fire Chief), Tony Tramel (Traffic & Transportation Director), Melanie Lewis (Community Development Director), Gail Smith (Administrative Services Director)

**COMMENCEMENT**

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of August 30, 2005 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and the Southwest Little League Champions led the Pledge of Allegiance.

(TAPE 1)(SIDE A)(032) AGENDA ITEM NO. 3: EXECUTIVE/PRESIDENT’S REPORT

President Durel called on Mike Mouton, Emergency & Security Operations Coordinator, to give an update on relief efforts for Hurricane Katrina. Mouton stated that the Cajundome is now a shelter since the immediate danger for this area is over and they will shelter as many people as they can for as long as they can. He said that there is also a Special Needs shelter that is being operated by the State of Louisiana with the help of Lafayette. Mouton added that cash donations to the Red Cross are needed the most.

President Durel then called on Terry Huval to give an update. Huval stated that LUS has been in contact with other cities to offer help in getting their electricity back on and they are helping out the City of Houma right now. He also said they have also offered help to the municipalities in the areas of sewerage and water.

Conque announced that anyone wishing to volunteer to help out at the Cajundome should go directly to the Cajundome help desk to sign up and that United Way of Acadiana could use volunteers to help out with the phones. He also acknowledged that area attractions and tourist destinations were offering either free or reduced admission rates through Labor Day for Hurricane Katrina evacuees as follows:

- Free Admission: Acadiana Center for the Arts, Alexander Mouton House, Konriko Rice Mill, Shadows on the Teche, Vermilionville and Paul & Lulu Hilliard University Art Museum (until September 9th)
- Reduced Admission: Cathedral of Saint John, Lafayette Natural History Museum, Zoo of Acadiana (free for evacuees & 1/2 price for hosting families).

Conque also said that Prejean's is offering a special crawfish jambalaya meal for only \$3.00. Then he gave a special thanks to all of these establishments for showing everyone how Lafayette knows how to be a good host.

President Durel added that the City has set up an e-mail address at *help@lafayettegov.net* for volunteers to send a detailed message on what they want to volunteer for.

Bourgeois asked for LCG to check into allegations that some local hotels were price-gouging customers and wants the violators to be prosecuted to the fullest extent of the law. Durel answered that LCG was on top of this situation.

President Durel and Marc Mouton recognized the Southwest Little League Champions/Little League World Series Team for making it all the way to the semi-finals and also for bringing proud recognition to Lafayette Parish and the Acadiana area. Mouton presented each player and each coach with the "Distinguished Citizen" certificate.

Benjamin stated that there are three teams that went to the National Baseball finals and asked that they be honored at the September 27th meeting.

#### **ORDINANCES FOR FINAL ADOPTION – ZONING**

(TAPE 1)(SIDE A)(435) AGENDA ITEM NO. 4. O-213-2005 An ordinance of the Lafayette City-Parish Council repealing City of Lafayette Ordinance Nos. O-2868-A and O-2869 which provided for the annexation of additional land area into the corporate limits of the City of Lafayette, Louisiana, Grand Stakes/Arlington Park, et al area, assigning said area to (former) City Council District No. 1 for voting purposes, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Ottinger informed the Council that back in 1984-1985, both Carencro and Lafayette annexed the same piece of property. Litigation ensued challenging the validity of each annexation, which has stymied the property owners. The suit has remained dormant for twenty years and has been abandoned. He said the City of Carencro and Lafayette Consolidated Government have each agreed to present companion ordinances for adoption that would de-annex the property.

Upon questioning by Williams, Frank Thibeaux, Annexation Coordinator, stated that this would not stop any future annexations in that area.

Upon questioning by Stevenson, Ottinger stated that there is a clause in the ordinance that makes neither effective unless both entities adopt within fifteen days of each other.

(TAPE 1)(SIDE A)(566) AGENDA ITEM NO. 5. O-216-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Ronald J. Alleman, et al, Case No. ZON2005-007 Ronald Alleman Property Rezoning, located generally south of West Congress Street and east of South Domingue Avenue, from R-1-C (Single and Two-Family Residential) to B-T (Transitional Business).

*Died for lack of a motion to adopt.*

Jim Parker, Zoning Coordinator, stated that both the staff and the Zoning Commission are recommending denial of the request to reclassify this property due to the fact that there were no development plans proposed, the adjoining residential subdivisions could be subjected to uses that are not appropriate for the property and significant opposition was expressed at the public hearing.

(TAPE 1)(SIDE A)(632) AGENDA ITEM NO. 6. O-217-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the Official Map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. ZON2005-010 Stonehaven on the River Annexation, located generally east of Johnston Street, south of Driftwood Street, and north of East Broussard Road, which is located within Lafayette City-Parish Council District No. 8 for voting purposes, and assigning zoning classifications of R-1-B (Single-Family Residential) and R-1-C (Single and Two-Family Residential), motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams

ABSENT: None

ABSTAIN: None

*Motion was approved*

Parker informed the Council that the subdivision has received final plat approval, building permits have been approved and the subdivision is under construction. The owners are requesting annexation for the residential portion of the property. The staff and the Zoning Commission recommended approval to the annexation and there was no opposition at the public hearing.

Person speaking in support of this agenda item was Andre Montagnet.

(TAPE 1)(SIDE A)(694) AGENDA ITEM NO. 7. O-218-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the Official Map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. ZON2005-013 Couret Place Annexation, located generally west of Interstate 49 and south of West Pont Des Mouton Road, which is located within Lafayette City-Parish Council District No. 2 for voting purposes, and assigning zoning classifications of R-1-C (Single and Two-Family Residential), B-T (Transitional Business) and GAD (Growth Area District), motion to adopt by Bourgeois, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved*

Parker stated that a public hearing was held and there was no opposition to the proposed annexation or zoning, therefore, the staff and the Zoning Commission are recommending approval.

Person speaking in opposition of this item was Jeffery J. Landry, Jr.

(TAPE 1)(SIDE B)(055) AGENDA ITEM NO. 8. O-219-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Donald J. Theriot, Case No. ZON2005-015 Donald J. Theriot Property Rezoning, located generally east of the intersection of East Pinhook and Gauthier Roads and west of Theriot Street, from R-1-C (Single and Two-Family Residential) to B-T(c) (Transitional Business – Conditional), motion by Benjamin, seconded by Badeaux, to defer until the September 27, 2005 meeting so the developer can meet with the residents who are opposed to the project, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson

NAYS: Menard

ABSENT: None

ABSTAIN: None

*Motion was approved to defer.*

Prior to the motion to defer, there was a motion by Stevenson, seconded by Bourgeois to adopt.

Denise Womack, Development & Planning Manager stated that this is a request to rezone a little over one acre of property on Pinhook to allow for the construction of a "Family Dollar Store" and the rezoning would be with conditions. She said that if the Council approves the rezoning, the property would not be permitted for any transitional business uses except for variety sales.

Benjamin stated that he has spoken with many of the residents and has not heard any significant opposition, but he does have a concern with the lighting of the business. He said that the lighting at other Family Dollar Stores seems to be very intrusive on the residential areas.

Womack answered Benjamin's concern by stating that since those stores have opened, and other problems with commercial lighting intruding on residential areas, the Council adopted an amendment to the zoning ordinance that includes lighting standards which states that low

mounted lights not to exceed twenty feet in height shall be used for parking areas within 100 feet of residential areas and be shielded away from adjacent residential uses or zoning districts. In addition, an inspection will be made to verify compliance before the final certificate of occupancy is issued.

Upon questioning by Benjamin, the representative of the Family Dollar Store, Cornell Marshall, stated that the lighting will be addressed and they try to hire local personnel.

Upon questioning by Williams, Marshall stated that he was not aware of the problems at the Willow Street & Moss Street Family Dollar Store locations but will check them out.

Benjamin requested that the elevation of the property not be any higher than the corresponding elevation of the adjacent property. Womack responded that the Zoning Commission will not approve anything that is greater than base flood elevation.

Conque moved to amend to add the following condition to the ordinance, that the elevation shall not be greater than the base flood elevation. *Accepted by the maker and the second.*

Upon questioning by Bourgeois, Marshall said that he is in charge of the real estate for a four state area and his job is to locate sites through brokers. Bourgeois added that Marshall needs to take a ride by the Willow Street store and see what is going on in the parking lot. He said that two of the main drains for the store have failed. The drains are sunken in and concrete is broken all the way around them. Bourgeois concluded by saying that something needs to be done because he has also seen people changing the oil in their vehicles in the parking lot. Marshall stated that he is hearing some of these issues for the first time.

(TAPE 1)(SIDE B)(424) Williams stated that he thinks that a communication was sent out to the Family Dollar Store on Willow Street pertaining to the run-off, the lighting issue, public urination on the property because there were no restrooms and the dumpster situation that was next to residents. He asked the staff to verify if the correspondence was sent, who it was sent to and to get Marshall a copy. Upon further questioning by Williams, Marshall answered that Family Dollar Store is a customer based business and he will make sure that the proper persons are notified of the complaints. He will also provide contact information to the Clerk of the Council.

Benjamin asked Marshall if he would be willing to meet with the residents to hear their concerns and Marshall affirmed that he would.

Persons speaking on this agenda item were:

- Joseph Harris opposed the reclassification of the property.
- Cornell Marshall answered questions during the Council discussion.
- Milford Trosclair spoke in favor of the Family Dollar Project on behalf of the property owner.
- Chris Bagget, the developer for the project, stated that he is looking for a successful project that will help the community. He said that he wants to work with the neighbors and they have added many things to the project that would protect the adjacent residents.
- John Mouton was in favor of the project and had nothing else to add.

(TAPE 1)(SIDE B)(729) AGENDA ITEM NO. 9. O-220-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of Dr. Ralph L. Bourgeois, Case No. ZON2005-016 Club View Subdivision Property Rezoning, located generally east of Clara Von Drive and west of Doucet Road, from R-1-B (Single-Family Residential) to R-4 (Condominium, Townhouse, and Zero-Lot Line Homes) and B-1-O (Office Business – Special), motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Bourgeois, Williams, Broussard, Conque, Mouton, Menard

NAYS: Badeaux, Stevenson

ABSENT: Benjamin

ABSTAIN: None

*Motion was approved.*

Womack stated that this property is located directly across from Red Lerille's Health Club and is scheduled for preliminary approval by the Planning Commission. It is a proposed Patio Home or

Zero-Lot Line Subdivision which requires an R-4 Zoning and the frontage on Doucet Road is proposed for B-1-O for Office Business-Special. There has been no opposition to the subdivision.

Person speaking in support of this item was Andre Montagnet.

Upon questioning by Stevenson, Montagnet stated that the townhouses would be two stories with a 6-foot fence and are adjacent to a residential neighborhood.

(TAPE 2)(SIDE A)(061) AGENDA ITEM NO. 10. O-221-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the properties of Gerald Gossen, Esther McGowen, Greg Stutes, Jennifer Cluchey, and Anna Mayeaux, Case No. ZON2005-017 Gossen/Stutes Steiner Road Property Rezoning, located generally east of the intersection of Steiner and Jo Mar Roads, from R-1-A (Single-Family Residential)) to R-1-C (Single and Two-Family Residential), motion to adopt by Bourgeois, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

*Motion was unanimously approved.*

Womack stated that the Zoning Commission recommended approval of this resubdivision.

Person speaking in support of this item was Andre Montagnet.

## **APPEALS**

(TAPE 2)(SIDE A)(102) AGENDA ITEM NO. 11. Appeal of Planning Commission Action concerning Madeline Cove Subdivision (PC2005-0038). Motion to deny the appeal by Williams, seconded by Benjamin and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Mouton

ABSTAIN: None

*Motion to deny the appeal was unanimously approved..*

Rebekke Raines, Planning Manager, stated that the appellant could not be present due to damage to his home in Hammond from Hurricane Katrina and asked that she read the first 2 paragraphs of his appeal letter. In the letter, the appellant asked that the Council approve the project. Raines informed the Council that the Planning Commission took no action on this request, which is the same as a denial.

Person speaking in support of the project was Andre Montagnet.

## **(TAPE 2)(SIDE A)(169) AGENDA ITEM NO. 12.   REPORTS AND/OR DISCUSSION ITEMS**

a. Recognize Southwest Little League Champions and Little League World Series Team. This item was taken up under the President's report.

b. Status report from Gregg Gothreaux, Director of LEDA, regarding plans for the I-10 frontage roads.

Benjamin stated that he did not want a status report but asked Gothreaux to provide a written plan from LEDA on how they plan on bringing in Economic Development in the I-10 Frontage Road area, how it is being marketed, methods of financing, incentives offered and how they are networking between government and the private sector.

Person speaking on this item was Jeffery Landry who stated that he hoped this was not just for businesses and that public hearings would be held.

Landry asked for additional time and there was an objection by Menard. The following is the vote on giving Landry additional time to speak:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque

NAYS: Menard

ABSENT: Broussard, Mouton, Stevenson

*Motion to allow for additional time failed for lack of 2/3 vote.*

c. Status Report on the 9th Street Apartments abatement.

Marcus Bruno stated that Attorney Greg Williams was handling this abatement.

Williams informed the Council that the court date is set for November 7, 2005. He said there was a delay because the main witness suffered a medical setback but is now ready to testify.

Benjamin asked Williams and Chief Hundley to expedite this and try to get an earlier court date.

(TAPE 2)(SIDE B)(001) d. Update on status of regulations of Taxi Cabs since the last report and recognize citizens regarding the operations of taxicabs.

Marcus Bruno stated that the Taxi Cab Board is presently working on some recommendations for the Council to consider. There are two departments involved with the Taxi Cabs. Revenue Collections handles the application of the companies and the Police Department handles the licensing of the drivers. Bruno stated that they are trying to centralize the whole process, which would give LCG better control and a more up to date database.

Williams asked that the Taxi Cab report be placed on the September 27, 2005 agenda and that the following information be provided: current regulations and recommendations for changes, rate structure and what other communities are doing in regards to ADA compliance.

Persons speaking on this item were :

- Harold Arceneaux stated that taxi cabs discriminate against disabled individuals with unfair charges.
- Jeffery Landry said that he is here to help the needy and said the fares charged by taxi cab companies are too high.

e. Recognize Fritz Muller pertaining to abandoned filling station located at 601 S. W. Evangeline Thruway.

Muller requested help from the Council in getting this property cleaned up. He stated that he is trying to market property across the street but it is hard to do since there are vagrants drinking and sleeping at the old filling station, the gas pumps are broken and rusty, the car wash doors are broken down, the sign has never been repaired, the grass is cut every so often and the place is not being taken care of.

Bouy agreed that the property is deplorable but there are not enough violations to condemn it. She said that the owner cuts the grass and cleans up the property when requested to which brings them into compliance. She also stated that the Environmental Quality Department inspected the site and had the owners clean up the property in regards to environmental violations.

Upon questioning by Williams, Bouy stated that the property owners are LEMCI, Inc., E. J. Beadle, et. al. at Red Wing Circle.

Williams stated that it is appropriate to state that LCG has legally done everything that they can do and the property owners are legally in compliance. Bouy answered that further action can be taken against the property owner because of the car wash door opening.

Williams then requested that this property be placed on the September 27, 2005 agenda and that Planning & Zoning notify the property owners via certified mail to be present. He also requested that the agenda item list the property owner's names.

## COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE B)(290) AGENDA ITEM NO. 9. Comments from the public on other matters.

The following individuals signed up to address the Council on other matters:

- Virginia Prine and Jay Domingue did not wish to speak but support Holiday Gardens drainage project.
- Cornell Bodensteiner said that Holiday Gardens Drainage has been going on too long, that the project needs to get started and added that he is discouraged that it has been over a year since Public Works was working on getting rights-of-ways. Tom Carroll answered by stating that there is a section that has silt build up that can be removed right now and he will see if he can maneuver a crew to get out there to clean it out to give some relief.. Menard asked Carroll to get with Bodensteiner to answer questions about Public Works repairing sidewalks that the Utility Department broke.
- Joyce Thibodeaux was not present to speak.
- Jeffery Landry questioned Dee Stanley about an article in the newspaper pertaining to funding road projects with a 1% to 2% sales tax increase. Stanley replied that LCG is requesting neither.
- Shelby Williams spoke about the moratorium on capital outlay projects. He also added that the major source of crime is because 1/10 of 1% of the people in this country own 84% of the wealth and that the Council and LCG support policies that favor people that have money over people that don't have money. He also criticized Stanley and Williams for having a sidebar as he was speaking. Stanley stated that Dr. Williams was providing information relative to the hurricane.
- George Bentley presented a notification of verdict of acquittal on the OWI that he received and read a section from the minutes of the administrative hearing when he received his drivers license back.

Menard then made the following announcement:

- Public hearing for citizen input on the proposed budget for Fiscal Year 2005-2006 will be held on Thursday, September 1, 2005 at 5:30 p.m..

## ADJOURN

(TAPE 2)(SIDE B)(685) There being no further business to come before the Council, Chair Menard declared the Regular Meeting adjourned.

/s/ Norma A. Dugas  
NORMA A. DUGAS, CLERK  
LAFAYETTE CITY-PARISH COUNCIL